

## **CHAPTER 5**

### **PUBLIC SAFETY**

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## CHAPTER 5 PUBLIC SAFETY

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### SECTION 5.01 Fire Department Organization; Fire Protection District.

- (a) **Fire Department Recognized.** The Village of Wyocena Bureau of Fire is officially recognized as the fire department of the Village, and the duties of fire fighting and fire prevention in the Village are delegated to such Department. The purpose of the Bureau of Fire shall be the protection and preservation of life and property which may be involved in any fire or other emergency in the Village of Wyocena or surrounding area pursuant to any intergovernmental or mutual aid agreement.
- (b) **Appropriations.** The Village Board shall appropriate funds for the Village of Wyocena Bureau of Fire to provide for operation and for such apparatus and equipment for the use of the fire department as it may deem expedient and necessary to maintain efficiency and properly protect life and property from fire.
- (c) **By-laws.** The Village of Wyocena Bureau of Fire shall adopt bylaws for the control, management and government and for regulating the business and proceedings of the department, which bylaws, after adoption by a two-thirds vote of the members of the department, shall not become effective until approved by the village board. Amendments shall be adopted in the same manner.
- (d) **Composition and Organization.** The Wyocena Bureau of Fire shall consist of one chief, one assistant chief and other officers as designated in the By-Laws of the Wyocena Bureau of Fire. All members of the Wyocena Bureau of Fire must be approved by the Wyocena Village Board.
- (e) **Fire Chief.** The Fire Chief shall be elected by the Wyocena Bureau of Fire subject to confirmation by the Village Board. The chief shall have the general supervision of the department, which supervision shall be subject to and not conflict with this chapter and the bylaws of the department. He shall be responsible for the personnel and general efficiency of the department.

### SECTION 5.02 Police Power of the Department; Investigation of Fires.

- (a) **Police Authority at Fires.**
  - (1) The Chief and assistant or officers in command at any fire are hereby vested with full and complete police authority at fires. Any officer of the Company may cause the arrest of any person failing to give the right-of-way to the Wyocena Bureau of Fire in responding to a fire.
  - (2) The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons, excepting firemen and policemen and those admitted by order of any officer of the Company, shall be permitted to come.

- (3) The Chief shall have the power to cause the removal of any property whenever it shall become necessary for the preservation of such property from fire or to prevent the spreading of fire or to protect the adjoining property, and during the progress of any fire he shall have the power to cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impedes the work of the Department during the progress of a fire.
- (b) **Fire Inspection Duties.**
- (1) The Fire Chief, or his designee, shall be the Fire Inspector of the Village of Wyocena and shall have the power to appoint one or more deputy Fire Inspectors and shall perform all duties required of the Fire Inspectors by the laws of the State and rules of the Department of Commerce.
  - (2) While acting as Fire Inspector pursuant to Sec. 101.14, Wis. Stats., the Fire Chief, his designee, or any officer of the Wyocena Bureau of Fire designated by the Fire Chief, shall have the right and authority to enter any building or upon any premises in the Village of Wyocena at all reasonable hours for the purpose of making inspections or investigations which, under the provisions of this Code of Ordinances, he may deem necessary. Should the Fire Inspector find that any Statutory, Administrative Code or Ordinance provisions relating to fire hazards and prevention of fires are being violated, or that a fire hazard exists which should be eliminated, it shall be his duty to give such directions for the abatement of such conditions as he shall deem necessary and, if such directions be not complied with, to report such noncompliance to the Village Board for further action.
  - (3) The Chief of the Wyocena Bureau of Fire or his designee, or officers or members of the Wyocena Bureau of Fire designated by him as fire inspectors, are required to inspect all buildings, premises and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of any law or ordinance relating to the fire hazard or to the prevention of fires. Such inspections shall be made at least once in six (6) months in all of the Village territory served by the Wyocena Bureau of Fire, and not less than once in three (3) months in such territory as the Village Board has designated or thereafter designates as within the Village or as a congested district subject to conflagration, and more often if the Chief of the Wyocena Bureau of Fire orders. Each six (6) month period shall begin on January 1 and July 1, and each three (3) month period on January 1, April 1, July 1 and October 1 of each year.
  - (4) Written reports of inspections shall be made and kept on file in the office of the Chief of the Wyocena Bureau of Fire in the manner and form required by the Department of Commerce. A copy of such reports shall be filed with the Fire Chief.

**SECTION 5.03      Firemen May Enter Adjacent Property.**

- (a) **Entering Adjacent Property.** It shall be lawful for any fireman while acting under the direction of the Fire Chief or any other officer in command to enter upon the premises adjacent to or in the vicinity of a building or other property then on fire for the purpose of extinguishing such fire and in case any person shall hinder, resist or obstruct any fireman in the discharge of his duty as is hereinbefore provided, the person so offending shall be deemed guilty of resisting firemen in the discharge of their duty.
- (b) **Destruction of Property to Prevent the Spread of Fire.** During the progress of any fire, the Fire Chief or his assistant shall have the power to order the removal or destruction of any property necessary to prevent the further spread of fire; provided that it is inevitable that, unless such property is removed, other property is in danger of being destroyed by fire.

**SECTION 5.04      Duty of Bystanders to Assist.**

Every person who shall be present at a fire shall be subject to the orders of the Fire Chief or officer in command and may be required to render assistance in fighting the fire or in removing or guarding property. Such officer shall have the power to cause the arrest of any person or persons refusing to obey said orders.

**SECTION 5.05      Vehicles to Yield Right-of-Way.**

Whenever there shall be a fire or fire alarm or the Fire Department shall be out for practice, every person driving or riding in a motorized or other vehicle shall move and remain to the side of the street until the fire engine, fire truck and other fire apparatus have passed. The penalty for violating this Section shall be as set forth in Section 1.06 of this Code of Ordinances.

**SECTION 5.06      Impeding Fire Equipment Prohibited.**

No person shall impede the progress of a fire engine, fire truck or other fire apparatus of the Wyocena Bureau of Fire along the streets or alleys of such Village at the time of a fire or when the Fire Department of the Village is using such streets or alleys in response to a fire alarm or for practice. The penalty for violating this Section shall be as set forth in Section 1.06 of this Code of Ordinances.

**SECTION 5.07      Damaging Fire Hose; Parking by Hydrants; Blocking Fire Lanes Prohibited.**

- (a) **Driving Over Fire Hose.** No person shall willfully injure in any manner any hose, hydrant or fire apparatus belonging to the Wyocena Bureau of Fire, and no vehicle shall be driven over any unprotected hose of the Wyocena Bureau of Fire when laid down on any street, private driveway or other place, to be used at any fire or alarm of fire, without the consent of the Wyocena Bureau of Fire official in command.
- (b) **Parking Vehicles Near Hydrants.** It shall be unlawful for any person to park any vehicle or leave any object within ten (10) feet of any fire hydrant at any time.
- (c) **No Parking Near Fire.** It shall be unlawful for any person, in case of fire, to drive or park any vehicle within one block from the place of fire without the consent and authority of the Fire Chief or any police officer.
- (d) **Penalty.** The penalty for violating this Section shall be as set forth in Section 1.06 of this Code of Ordinances.

#### **SECTION 5.08      Interference with Use of Hydrants Prohibited.**

No person shall occupy any portion of such streets or alleys with a motorized or other vehicle between such fire engine or fire truck or other fire apparatus or any hydrant to which a fire hose may be, or may be about to be, attached. The penalty for violating this Section shall be as set forth in Section 1.06 of this Code of Ordinances.

#### **SECTION 5.09      Open Burning.**

- (a) **Prohibitions.** No person, firm or corporation shall build any outdoor fire within the corporate limits of the Village of Wyocena except as set forth below in this Section. This prohibition on burning includes burning of construction waste or debris at construction sites. Further, this Section is intended to specifically prohibit the burning of refuse, garbage and other rubbish materials containing plastic and petroleum-based products or metals and other materials typically found in garbage.
- (b) **Exceptions.**
  - (1) Outdoor cooking over a fire contained in a device or structure designed for such use is permissible. This Section does not prohibit the warming of a person or the cooking of food, except that only wood, charcoal, propane, paper, or cardboard may be used as an accelerant, and the warming or cooking fire must be contained with a fire pit or within a rock or bricked enclosure or grill, or within a device intended for warming or cooking.
  - (2) Controlled burning of grass, leaves or similar vegetation for environmental management purposes and the burning of grass, leaves or other lawn debris is permitted
  - (3) Ceremonial campfire or bonfires are permitted.

(c) **Responsibility.**

- (1) No fire shall be started or allowed to continue burning when the wind direction or wind speed will cause embers or other burning material to be carried onto any building or combustible material; nor any time that wind direction will carry smoke into the open windows of any building; nor any time the fire chief has deemed conditions are too hazardous for burning. Smoke from any recreational fire shall not create a nuisance for neighboring properties and fires shall be completely extinguished when police or fire department investigation determines a nuisance or danger is present.
- (2) All fires shall be constantly attended and supervised by a competent person at least 18 years of age until the fire has been completely extinguished. The means for extinguishing any fire must be kept immediately available at all times when a recreational fire is burning. Proper fire extinguishing equipment includes: a garden hose, shovels, water buckets or an ABC rated fire extinguisher [of] at least ten-pound capacity.
- (3) Any party who starts or maintains a recreational fire that is allowed to burn out of control shall be held responsible for paying any costs associated with fire control efforts to extinguish the fire.

**SECTION 5.10 Disclosure of Hazardous Materials and Infectious Agents; Reimbursement for Cleanup of Spills.**

(a) **Definitions.**

- (1) “Infectious agent” is a bacterial, mycoplasmal, fungal, parasitic or viral agent known to cause illness in humans which is used, researched, produce or stored within or on premises.
- (2) “Hazardous materials” are those materials that can cause death or disabling injury from brief exposure; those materials that could cause a lost-time injury from exposure; and those materials that could cause temporary disability or injury without permanent effects which are used, researched, produced or stored within or on premises except those household consumer products used at the point of consumption and not used for commercial or experimental purposes. This definition of hazardous materials shall include radioactive materials.

(b) **Application.**

- (1) All persons, firms or organizations using, researching or producing hazardous materials and/or infectious agents shall notify the Wyocena Bureau of Fire as prescribed by this Section.
- (2) The provisions of this Section shall apply to all persons, firms or organizations using, researching, producing or storing hazardous materials and/or infectious agents on and after the effective date of this Section.

(c) **Information Required.**

- (1) Any person, firm or organization using, researching, producing and/or storing any hazardous materials shall provide in writing to the Wyocena Bureau of Fire the following information:
  - a. Address, location of where hazardous materials are used, researched, store or produced;
  - b. The trade name of the hazardous material;
  - c. The chemical name and any commonly used synonym(s) for the hazardous material and the chemical name and any commonly used synonym/for its major components;
  - d. The exact location(s) on the premises where materials are used, researched, stored and/or produced;
  - e. Amounts of hazardous materials on premises per exact location;
  - f. The boiling point, vapor pressure, vapor density, solubility in water, specific gravity, percentage volatile by volume, evaporation rate for liquids and appearance and odor of the hazardous material;
  - g. The flashpoint and flammable limits of the hazardous materials;
  - h. Any permissible exposure level, threshold limit value or other established limit value for exposure to a hazardous material;
  - i. The stability of the hazardous material;
  - j. Recommended fire extinguishing media, special firefighting procedures and fire and explosion hazard information for the hazardous material;
  - k. Any effect of over-exposure to the hazardous material, emergency and first aid procedures and telephone numbers to call in an emergency;
  - l. Any condition or material which is incompatible with the hazardous material and must be avoided;
  - m. Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming into contact with the hazardous materials;
  - n. Procedures for handling or coming into contact with the hazardous materials.
- (2) Any person, firm or organization using, researching, producing and/or storing infectious agent and/or carrier of an infectious agent shall provide in writing to the Wyocena Bureau of Fire the following:
  - a. The name and any commonly used synonym of the infectious agent;
  - b. Address/location where infectious agents are used, researched, stored and/or produced;
  - c. The exact locations where infectious agents are used, researched, stored and/or produced;
  - d. Amount of infectious agent on premises per exact locations;
  - e. Any methods of route of transmission of the infectious agents;

- f. Any symptoms of effect of infection, emergency and first aid procedure and a telephone number to be called in an emergency;
  - g. Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming in contact with the infectious agent;
  - h. procedure for handling, clean-up and disposal of infectious agents leaked or spilled.
- (d) **Reimbursement for Cleanup of Spills.** Any person who possesses or controls a hazardous material or infectious agent which was discharged or caused the discharge of a hazardous material or infectious agent shall reimburse the Village for actual and necessary expenses incurred by the Village or its agent to contain, remove or dispose of the hazardous agent or take any other appropriate action which is deemed appropriate under the circumstance.

#### **SECTION 5.11      Recovery of Costs of Extinguishing and cleaning Up Fires Involving Hazardous Materials.**

- (a) Every person, firm or corporation using, storing, handling or transporting flammable or combustible liquids, chemicals, gasses or other hazardous materials shall comply with the requirements of Chapter Comm. 10 Wis. Adm. Code, as may, from time-to-time, be amended.
- (b) Every person, firm or corporation using, storing handling or transporting (whether by rail or on the highways) flammable or combustible liquids, chemicals, gasses or other hazardous materials shall be liable to the Village for the actual cost of labor and materials associated with the use of any specialized extinguishing agent, chemical, neutralizer of similar material or equipment employed to extinguish, confine or clean up any such hazardous material which is involved in any accidental spill or in threat of any fire or accidental spill.

### **POLICE DEPARTMENT**

#### **SECTION 5.20      Organization of Police Department**

The Village of Wyocena Police Department shall consist of a Chief of Police and such other officers, assistants and patrolmen as from time to time may be appointed by the Village Board pursuant to the provisions of the Wisconsin Statutes.

#### **SECTION 5.21      Records and reports**



- (a) **Monthly Reports.** The Chief of Police shall submit a monthly general report to the Village Board of all activities of the Department during the preceding month including time sheets completed by all personnel which indicate the hours worked and the activities conducted during those hours.
- (b) **Police Records.** There shall be kept by the Department a suitable record in which shall be entered the name of every person arrested in the Village, the name of the person making the arrest, the date and cause of the arrest, the Court from which the warrant was issued, the disposition made of the case, the amount of fine and costs paid and to whom paid, bond posted, and all complaints in full.

## **SECTION 5.22      General Powers of Police Officers**

Every member of the Police Department shall:

- (a) Familiarize himself with the ordinances of the Village and the Statutes and attend to the enforcement of such ordinances by all lawful means.
- (b) Help prevent crimes, misdemeanors and violations of Village ordinances and protect the health, safety, public peace and order of the Village and its inhabitants.
- (c) Report all street and sidewalk obstructions, unlighted street lamps, unlawful street signs or signals, and defective or dangerous streets and sidewalks to the appropriate person or organization responsible for their repair or service.
- (d) Maintain order at the scene of a fire or any other fire response within the Village.
- (e) See that the necessary permits and licenses issued by the State or Village are in the possession of or properly displayed by any person engaged in an activity or business within the Village for which such permit or license is required and that the terms of such permits or licenses are complied with.
- (f) Perform such other lawful duties as ordered by the Chief of Police or his authorized representative.

## **SECTION 5.23      Responsibilities of Chief of Police**

- (a) **Duties.** In addition to the duties imposed upon him elsewhere in this Code of Ordinances, the Chief of Police shall:
  - (1) Have command of the Police Department on administrative matters, subject to the direction of the Village Board.
  - (2) Cause to be maintained accurate records of complaints, crimes, traffic accidents, ordinance violations, arrests, summons, incidents, and calls for police service and shall provide a system of periodic summary and analysis to ensure the most efficient and effective deployment and use of the Department's resources. He shall submit or cause to be submitted to the various agencies such reports and summaries as are required by State

- Statutes or ordinances and shall participate in voluntary programs designed to improve law enforcement and public safety.
- (3) Submit such reports and comply with such administrative procedures as may be prescribed by the Village Board relative to fiscal and administrative matters.
  - (4) Submit such reports and/or information and comply with such policies as may be prescribed by Village Board.
  - (5) Have control of the assignment, hours of duty, and transfer of all members of the Department.
  - (6) Plan, organize, staff, direct, and control all of the human and material resources of the Department for the most effective and efficient discharge of its duty to protect persons and property, preserve the peace, protect the rights of citizens and enforce the Wisconsin Statutes and the ordinances of the Village as are within its jurisdiction. He shall supervise the preparation and presentation of annual reports and budgets for the Police Department. He shall be required to certify to the correctness of all bills incurred by the Department.
  - (7) Strive to maintain suitable, productive relationships with other Village departments and with other governmental agencies and private organizations concerned with law enforcement, crime prevention, administration of justice and public safety. He shall cooperate and exchange information with other Village departments in matters relating to their various functions.
  - (8) Plan and execute programs designed to prevent and repress crime, apprehend and prosecute offenders, recover property, and regulate non-criminal conduct, giving highest priority in the allocation of resources to crime and other offenses most hazardous to life and property.
- (b) **Custody of Department Equipment.** The Chief of Police shall be the custodian of all Village property, equipment and supplies under the control of, or used by, the Police Department and shall be responsible for the care, maintenance, safeguarding and accurate records of such property, equipment, and supplies.
  - (c) **Custody of Department Property.** The Chief of Police shall be the custodian of all property and shall be responsible for the safekeeping, lawful disposition and accurate record of the same. The Chief of Police shall see that all property is returned to its lawful owner or otherwise disposed of according to the applicable statutes.

## **SECTION 5.24 Rules and Policies for the Police Department**

The Chief of Police shall establish and promulgate Rules of Conduct, Directives and Policies and Procedures and prescribe such duties for individual members as he may deem necessary for the effective and efficient command and operation of the Depart-

ment; provided no such Rules of Conduct, Directive or Policy Procedure duties or assignment shall be in conflict with the statutes, ordinances and approved Village personnel rules and regulations.

#### **SECTION 5.25      Maintenance of Personnel Records and Performance Evaluations**

The Chief of Police shall cause to be maintained adequate personnel records of employment, assignment, promotions, attendance, performance and training for all members of the Department. He shall also comply with all provisions of the Law Enforcement Standards Board in regard to background investigations. He shall keep himself adequately informed of the activities of the Department and be assured that the duties of his subordinates are properly discharged. He shall formulate procedures for recognizing outstanding performance by Department members for investigating complaints of misconduct by any Department member and for taking appropriate disciplinary action subject to the provisions of the applicable statutes, Rules of the Department and the jurisdiction of the Village Board.

#### **SECTION 5.26      Police Chief's Responsibility for Training**

The Chief of Police is responsible for the training of all members of the Department. He shall cause adequate and progressive programs of training to be organized and conducted to prepare Department members in the knowledge, procedures, and techniques of their duties and responsibilities. He will insure that, within budgetary limitations, members of the Department attend training courses, seminars, and conferences necessary to maintain and improve their job skills and professional knowledge. He shall encourage Department members to further their education in Law Enforcement through study, special courses, college attendance, extension programs, and independent readings.

#### **SECTION 5.27      Civilians to Assist**

All persons in the Village, when called upon by any police officer or peace officer, shall promptly aid and assist him in the execution of his duties and whoever shall neglect or refuse to give such aid or assistance shall be subject to the general penalty as provided in Section 1.06 of this Code of Ordinances.

#### **SECTION 5.28      Hearing Authorities for Suspension or Removal of Law Enforcement Officers**

Pursuant to Sec. 62.13(6m), Wis. Stats., the Village may not suspend, reduce, suspend and reduce or remove any police chief or other law enforcement officer who is not probationary unless the Village follows the procedure under Sec. 62.13(5), Wis. Stats. To act under this Subsection in place of the Board of Police and Fire Commissioners under Sec. 62.13(1) through (6), Wis. Stats., the Village may do either of the following:

- (a) Establish a committee of not less than three (3) members, none of whom may be an elected or appointed official of the Village or be employed by the Village.
- (b) Send a written request for a hearing examiner to the division of hearings and appeals under Sec. 15.103(1), Wis. Stats. The Village shall reimburse the state for the state's costs under this paragraph.

## **EMERGENCY GOVERNMENT**

### **SECTION 5.30 Emergency Government Operations**

- (a) **Emergency Government Defined.** “Emergency government” means the preparation for and carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to minimize and repair injury and damage resulting from disaster caused by enemy attack, sabotage or other hostile action or by fire, flood or other natural causes.
- (b) **Emergency Government Director.**
  - (1) The Public Works Foreman/Supervisor shall be the Emergency Government Director.
  - (2) The Director shall be the executive head of the Village emergency government organization and shall have direct responsibility for the organization, administration and operation of such organization, subject to the direction and control of the Village President and the Village Board. In addition to such powers and responsibilities as may be imposed on him from time to time by the Village Board, he shall:
    - a. Coordinate all activities for emergency government within the Village.
    - b. Maintain liaison and cooperate with emergency government agencies and organizations of other political subdivisions and of the State and Federal governments.
    - c. Participate in County and State emergency government activities upon request.
    - d. Prepare a comprehensive general plan for the emergency government of the Village and present such plan to the Village Board for its approval.

- e. Upon the declaration of an emergency, issue all necessary proclamations as to the existence of such state of emergency and such disaster warnings or alerts as are required by the emergency government plan.
- (3) Such deputy and assistant directors may be appointed by the Director, subject to the approval of the Village Board, as may be deemed necessary.
- (c) **Utilization of Existing Services and Facilities.** In preparing and executing the emergency government plan, the Director shall utilize the services, equipment, supplies and facilities of the existing departments and agencies of the Village to the maximum extent practicable. When the Village Board has approved the plan, all municipal agencies and departments of the Village shall perform the duties and functions assigned by the approved plan.
- (d) **Declarations of Emergency.** The emergency government organization shall take action in accordance with the emergency government plan only after a declaration of emergency and the issuance of official disaster warnings. Declarations of emergency shall be made by the Governor, the Village Board or the Village President or, in his absence, by the Director. Such state of emergency shall continue until terminated by the issuing authority, provided any declaration not issued by the Governor may be terminated by the Village Board.
- (e) **Emergency Regulations.** Whenever necessary to meet an emergency for which adequate regulations have not been adopted by the Village Board, the Village President or, in his absence, the Emergency Government Director may proclaim, promulgate and enforce orders, rules and regulations relating to the conduct of persons and the use of property which are necessary to protect the public peace, health and safety, to preserve lives and property and to insure cooperation in emergency government activities. Such proclamations shall be posted in three (3) public places and may be rescinded by resolution of the Village Board.

### **SECTION 5.31      Obstruction of emergency Government Operations; Penalty**

- (a) **Prohibition.** No person shall willfully obstruct, hinder or delay any member of the emergency government organization in the enforcement of any order, rule, regulation or plan, issued pursuant to this Chapter or violate any order, rule, regulation or plan issued pursuant to the authority contained in this Chapter
- (b) **Penalty.** Any person who shall violate any provision of Subsection (a) shall be subject to a penalty as provided in Section 1.06 or as provided in the Village's cash bond deposit schedule.